

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

UNITED STATES OF AMERICA

VS.

CRIMINAL NO.: 3:19-cr-20-CWR-LRA

WILLIAM B. MCHENRY, JR.

18 U.S.C. § 1348

18 U.S.C. § 1349

18 U.S.C. § 1343

**MOTION TO WITHDRAW AS COUNSEL FOR
DEFENDANT WILLIAM B. MCHENRY, JR.**

Frank W. Trapp and the law firm Phelps Dunbar LLP respectfully move the Court to enter an order allowing them to withdraw as counsel for Defendant William B. McHenry, Jr. and in support submit the following:

1. In 2018, the undersigned began representing William B. McHenry, Jr. in connection with several matters that arose as part of the fallout from Lamar Adams perpetrating what is reported to be the largest or one of the largest Ponzi scheme that ever occurred in Mississippi. This included facilitating Mr. McHenry's cooperation by early compliance with a federal grand jury subpoena and his cooperation with the Court appoint Receiver. The representation also included responding to a civil complaint of the Receiver after Mr. McHenry's settlement efforts were rejected.

2. On Thursday, February 28, 2019, the undersigned first learned of the January 25, 2019 sealed indictment. The undersigned arranged for Mr. McHenry to surrender the next morning to the FBI for service of an arrest warrant, processing and an initial appearance.

3. On March 1, 2019, the undersigned facilitated Mr. McHenry's cooperation with both the FBI and pre-trial services. The undersigned also appeared with Mr. McHenry at his initial appearance and arraignment. At that hearing, the undersigned informed Magistrate Judge

Linda Anderson no financial arrangement for representation had been reached, thus the undersigned was making a limited appearance for Mr. McHenry's arraignment.

4. Following arraignment, the undersigned had discussions with Mr. McHenry concerning financial arrangement for representation through trial. Mr. McHenry sought time to attempt to make financial arrangements through third parties.

5. Following these discussions, the undersigned made a limited appearance on March 15, 2019 for purposes of filing a motion for continuance [Dkt. 14]. In the motion, Mr. McHenry sought sixty (60) days in which to attempt to make financial arrangements with third parties, plus an additional 120 days to prepare for trial. While agreeing in general to some continuance, the Government disagreed with the length of time of the requested continuance [Dkt. 15]. The Court then directed the April 5, 2019 status conference proceed as scheduled, but indicated some continuance of the trial date would be allowed.

6. On April 1, 2019, the undersigned conferred with Mr. McHenry about the status conference set for April 5, 2019. There was no development on making any financial arraignment for representation through trial. At the meeting, the undersigned informed Mr. McHenry that the undersigned and the firm would not be able to undertake representation in this case, thus would inform the Court of that circumstance.

7. At the status conference on April 5, 2019, the undersigned announced to the Court that no satisfactory arrangement had been made and the undersigned and Phelps Dunbar would withdraw as counsel.

8. It is early in this proceeding and Mr. McHenry is neither prejudiced nor surprised by this withdrawal. Similarly, the Government is not prejudiced or surprised by the withdrawal. On each occasion the undersigned appeared, it was for the limited purpose of that specific event. The limited appearance was known to Mr. McHenry, to the Government and to the Court.

9. The undersigned will cooperate with Mr. McHenry's new counsel. Initial discovery from the Government has been provided to Mr. McHenry.

Accordingly, for the reasons set out above as amplified at the April 5, 2019 status conference, Frank W. Trapp and Phelps Dunbar LLP respectfully request the Court enter an order allowing withdrawal as counsel for William B. McHenry, Jr.

THIS the 8th day of April, 2019.

Respectfully submitted,

PHELPS DUNBAR LLP

BY: /s/ Frank W. Trapp

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CERTIFICATE OF SERVICE

I certify that I have this day filed this documents with the Clerk of the Court using the ECF system, which sent notification of such filing to all counsel of record.

A hard copy was also mailed via U.S. Mail, postage prepaid, to the following:

Mr. William B. McHenry, Jr.
P.O. Box 1769
Ridgeland, MS 39158

This the 8th day of April, 2019.

/s/ Frank W. Trapp
FRANK W. TRAPP